

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 94-011

ORDER AMENDING WASTE DISCHARGE REQUIREMENT ORDER NO. 93-055 FOR

WASTE MANAGEMENT OF CALIFORNIA, INC.
KIRBY CANYON RECYCLING & DISPOSAL FACILITY,
CLASS III SOLID WASTE DISPOSAL SITE
SAN JOSE, SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter Board), finds that:

1. Waste Management of California, Inc. (hereinafter called the discharger) owns and operates the Kirby Canyon Recycling & Disposal Facility (KCRDF), a Class III municipal refuse disposal site located in the City of San Jose, Santa Clara County.
2. The site is located adjacent to the southeastern portion of the Santa Clara Valley on the west side of the Diablo Range on land within the southern boundary of the City of San Jose (Figure 1). Access to the site is from the Scheller Avenue interchange on U.S. Highway 101 and from there along the private access road which runs southeast from the interchange, approximately 0.8 mile, to the project lease boundary.
3. The discharger operates the KCRDF as a canyon-fill and is constructed in intermediate phases until the ultimate configuration is reached. The 311-acre disposal area consists of five disposal areas referred to as Fill Areas 1 through 5 (as shown in Figure 2).
4. Cell 2/5 of Fill Area 1 covers 36 acres of the first major canyon. The interim fill plan for this cell provides approximately 4.29 million cubic yards of airspace. Based on a refuse to cover ratio of approximately 4 to 1, a compacted refuse density of approximately 1300 lb/cubic yard (c.y.) or 0.65 tons/c.y., and an average throughput rate of the refuse of approximately 1800 tons/day, the service life of the cell will be approximately 4 years. This cell will receive additional refuse fill to final grades in the future as the adjoining areas are developed.

5. The Board adopted Waste Discharge Requirement Order No. 93-055 on June 16, 1993. Order No.93-055 updated the groundwater monitoring and liner requirements for the KCRDF operation consistent with the requirements of Article 5, Title 23, Division 3, Chapter 15 of the California Code of Regulations (Chapter 15) and the provisions of Title 40, Part 258 of the Code of Federal Regulations (Subtitle D).
6. KCRDF is classified as a Class III unit under Order No. 93-055. Cell 2/5 of the facility has been designed and constructed to be in compliance with the requirements of Subtitle D and meets the siting criteria and design requirements for a Chapter 15 Class II waste management unit.
7. Cell 2/5 of the facility and all subsequent units similarly designed and constructed in compliance with Subtitle D and Chapter 15 constitute ambient environmental conditions that will prevent nonhazardous waste from being released in concentrations exceeding applicable water quality objectives or that could reasonably be expected to affect beneficial uses of the waters of the State.
8. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.
9. This action is an Order to enforce the laws and regulations administered by the Board. This action is categorically exempt from the provisions of CEQA pursuant to Section 13389 of Division 7, Chapter 5.5 of the California Water Code.


IT IS HEREBY ORDERED that, pursuant to Section 13263 of Division 7, Chapter 4, Article 4 of the California Water Code, the requirements of Order No. 93-055 for the KCRDF are amended to include the following:

1. In Cell 2/5 and all subsequent units similarly designed and constructed the discharger is authorized to accept all waste that is not hazardous as defined in Section 2521 of Title 23, Division 3, Chapter 15, Article 2 of the California Code of Regulations (CCR), which incorporates the definition of hazardous waste under CCR Title 22, to include waste streams that might otherwise fall under Section 2522 (a) (1) of Chapter 15, but excluding waste streams that fall under Section 2522 (a) (2) of Chapter 15.

2. The discharger must comply with the conditions identified below:
 - a. The KCRDF shall not receive any wastes that are either characteristically hazardous or listed as hazardous under Title 22, Division 4.5, Chapter 11 of the California Code of Regulations, with the exception of asbestos containing waste that may be disposed to land in a Class III facility in accordance with Section 25143.7 of the Health and Safety Code and Sections 66268.29 (m), 66268.100 (a) (13) and 66268.114 of CCR Title 22.
 - b. KCRDF shall not receive any wastes that are either characteristically hazardous or listed as hazardous waste under Title 40, Part 261 of the Code of Federal Regulations.
 - c. The KCRDF shall not receive any hazardous waste which has been granted a variance from hazardous waste management requirements such that it is considered designated waste under Section 2522 (a) (2) of Chapter 15 based on such waste constituting hazardous waste which has been granted a variance from hazardous waste management requirements pursuant to Section 24143 of Division 20, Chapter 6.5, Article 4 of the California Health and Safety Code.
3. Reporting - The discharger must report the volume of the following materials in the facility's self monitoring report on a quarterly basis:
 - a. Municipal solid waste:
 - b. Construction and demolition waste: and
 - c. Industrial waste, to include, but not limited to :
 - (1) asbestos, (2) ashes, (3) auto shredder fluff, (4) petroleum contaminated soils, (5) lead contaminated soils, (6) sewage and wastewater treatment sludges with metal content, (7) industrial sludges, and (8) industrial filters from cleaning processes.

4. The subject change and waste acceptance policy may affect the constituents of Concern (COC) in your Discharge Monitoring Program as identified in Order Nos. 93-113 and 93-055.

I, Steven R. Ritchie, Executive Officer, do hereby certify that the foregoing is a full, complete, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on January 19, 1994.


Steven R. Ritchie
Executive Officer

Attachments:

- Figure 1. Location Map
- Figure 2. Fill Area Locations

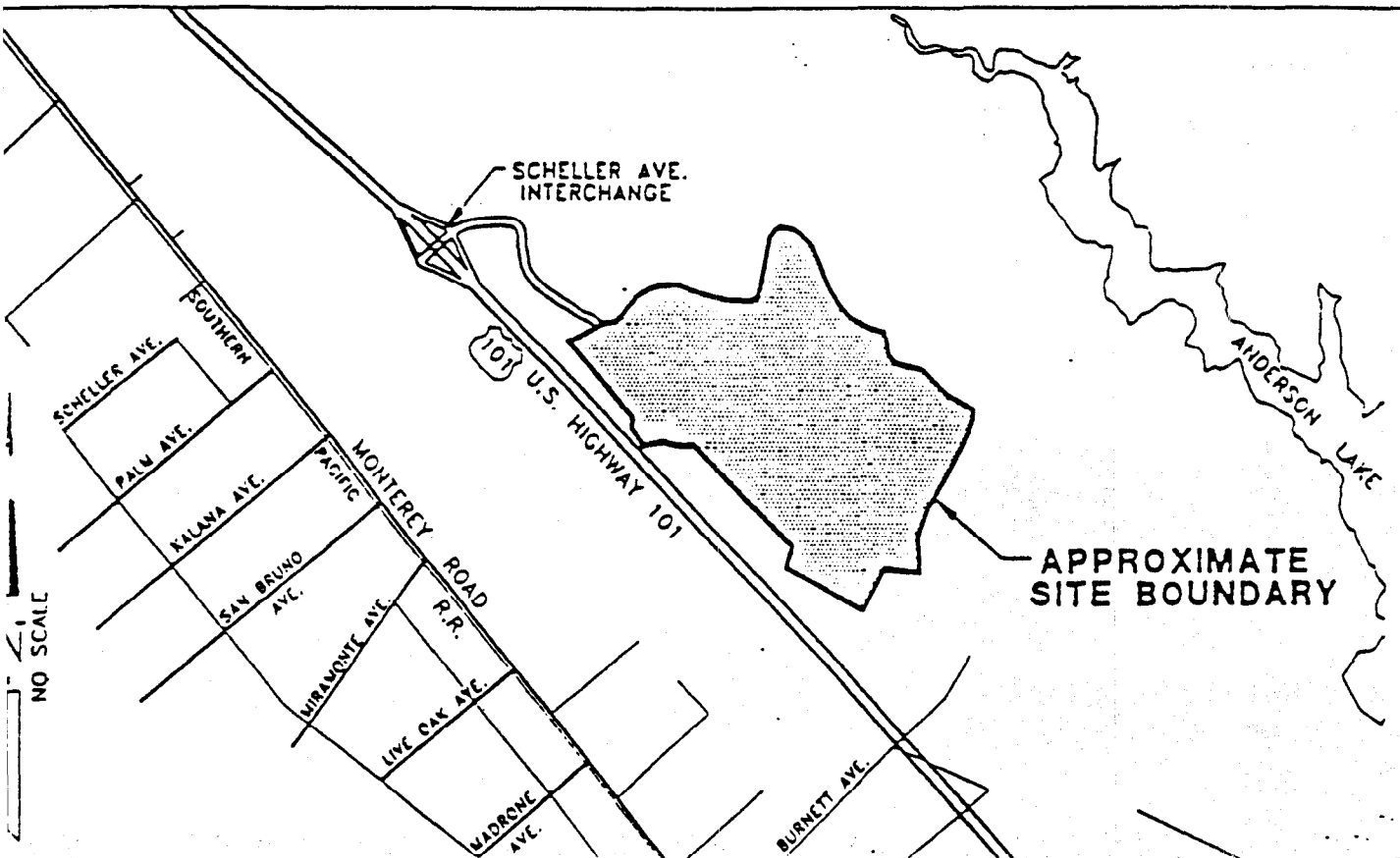


FIGURE 1

SITE LOCATION MAP

KIRBY CANYON R & DF



BRYAN A. STIRRAT & ASSOCIATES
CIVIL AND ENVIRONMENTAL ENGINEERS

REFERENCE:
FEBRUARY 1993 REPORT OF DESIGN
CELLS 2 AND 5, FIGURE 2-2

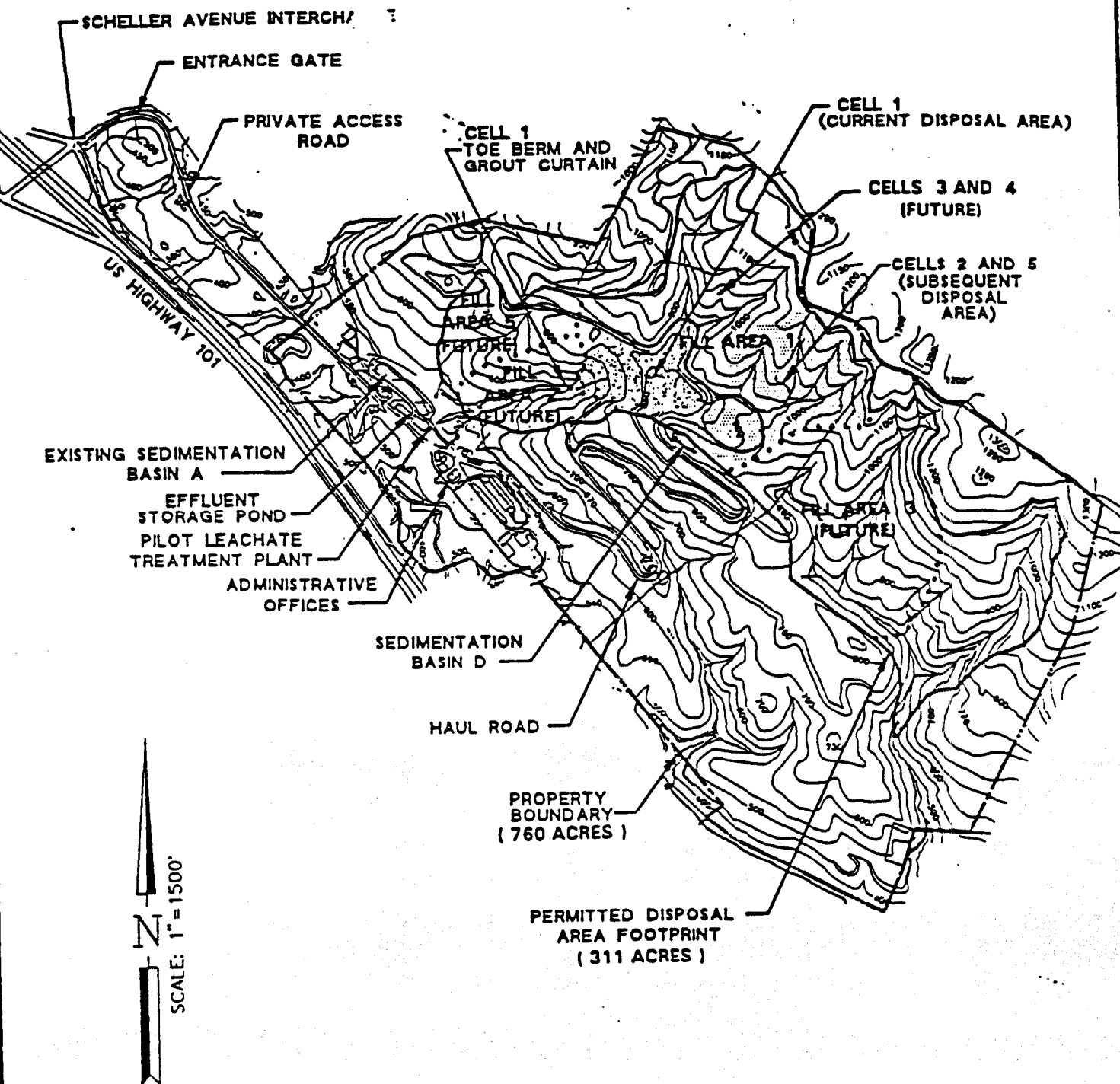


FIGURE 2

LEGEND

..... APPROXIMATE FILL AREA BOUNDARY

FILL AREA LOCATIONS

KIRBY CANYON RECYCLING & DISPOSAL FACILITY